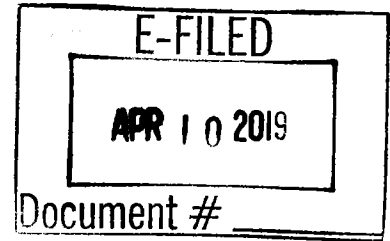


**CHAMBERS COPY**

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JS-6

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14 Attorneys for Defendant AESTHETIC SKIN SYSTEMS LLC

15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
17 WESTERN DIVISION  
18

19 EDGE SYSTEMS LLC, a California  
20 limited liability company, and AXIA  
21 MEDSCIENCES, LLC, a Delaware  
22 limited liability company,

23 Plaintiffs,

24 v.

25 AESTHETIC SKIN SYSTEMS LLC, a  
26 California limited liability company,

27 Defendant.

28 AND RELATED COUNTERCLAIMS

Case No. 2:17-cv-04597 PSG (AFMx)

**[PROPOSED] FINAL CONSENT  
JUDGMENT AND PERMANENT  
INJUNCTION**

1 Plaintiffs Edge Systems LLC (“Edge”) and Axia Medsciences, LLC  
2 (collectively, “Plaintiffs”) and Defendant Aesthetic Skin Systems LLC  
3 (“Defendant”) hereby stipulate and jointly move for entry of final judgment as  
4 follows:

5 1. That this Court has subject matter jurisdiction over this action as well  
6 as personal jurisdiction over Plaintiffs and Defendant.

7 2. That venue is proper in this judicial district.

8 3. That Edge owns each of U.S. Patent Nos. 6,641,591 (“the 591  
9 Patent”), 7,678,120 (“the ’120 Patent”), 7,789,886 (“the ’886 Patent”), 8,048,089  
10 (“the ’089 Patent”), 8,066,716 (“the ’716 Patent”), 8,337,513 (“the ’513 Patent”),  
11 9,468,464 (“the ’464 Patent”), and 9,550,052 (“the ’052 Patent”) (collectively,  
12 the “patents-in-suit”).

13 4. That each of the patents-in-suit is valid and enforceable.

14 5. That Defendant has manufactured, used, sold, offered for sale,  
15 and/or imported into the United States the Aqua Skin Facial product shown in  
16 Exhibit A.

17 6. That Defendant has manufactured, used, sold, offered for sale,  
18 and/or imported into the United States the Aqua Skin Facial Table Top product  
19 shown in Exhibit B.

20 7. That Defendant has manufactured, used, sold, offered for sale,  
21 and/or imported into the United States the Accused Spiral Tips shown in Exhibit  
22 C (“Spiral Tips”).

23 8. That, in this action, Plaintiffs have alleged that the manufacture, use,  
24 sale, offer for sale, and/or importation into the United States of the Aqua Skin  
25 Facial product shown in Exhibit A infringes: each of claims 1, 4, 6-8, 10, 11, and  
26 15-17 of the ’591 Patent; each of claims 1, 2, 4-7 and 9 of the ’120 Patent; each  
27 of claims 1, 3-8 and 11-14 of the ’886 Patent; each of claims 1, 3-5, 8, 9, 11, 12  
28 and 14 of the ’716 Patent; each of claims 1-4, 6-12, and 14 of the ’513 Patent;

1 each of claims 1-20 of the '464 Patent; and, each of claims 1-5, 7, 8, and 10-17  
2 of the '052 Patent. Defendant denies any wrongdoing or infringement, but is  
3 stipulating to the relief demanded herein to resolve this case without admission  
4 of liability.

5 9. That, in this action, Plaintiffs have alleged that the manufacture, use,  
6 sale, offer for sale, and/or importation into the United States of the Aqua Skin  
7 Facial Table Top product shown in Exhibit B infringes: each of claims 1, 4, 6-8,  
8 10, 11, and 15-17 of the '591 Patent; each of claims 1, 2, 4-7 and 9 of the '120  
9 Patent; each of claims 1, 3-8 and 11-14 of the '886 Patent; each of claims 11, 12  
10 and 14 of the '716 Patent; each of claims 1-4, 6-12, and 14 of the '513 Patent; and  
11 each of claims 1-6, 8-15, and 17-20 of the '464 Patent. Defendant denies any  
12 wrongdoing or infringement, but is stipulating to the relief demanded herein to  
13 resolve this case without admission of liability.

14 10. That, in this action, Plaintiffs have alleged that the manufacture, use,  
15 sale, offer for sale, and/or importation into the United States of the Spiral Tips  
16 shown in Exhibit C infringes each of claims 1-5 and 7-10 of the '089 Patent.  
17 Defendant denies any wrongdoing or infringement, but is stipulating to the relief  
18 demanded herein to resolve this case without admission of liability.

19 11. That, in this action, Plaintiffs have alleged that Defendant infringes  
20 each of the '591 Patent, the '120 Patent, the '886 Patent, the '716 Patent, the '513  
21 Patent, the '464 Patent, and the '052 Patent through the manufacture, use, sale,  
22 offer for sale, and/or importation into the United States of the Aqua Skin Facial  
23 product shown in Exhibit A. Defendant denies any wrongdoing or infringement,  
24 but is stipulating to the relief demanded herein to resolve this case without  
25 admission of liability.

26 12. That, in this action, Plaintiffs have alleged that Defendant infringes  
27 each of the '591 Patent, the '120 Patent, the '886 Patent, the '716 Patent, the '513  
28 Patent, and the '464 Patent through the manufacture, use, sale, offer for sale,

1 and/or importation into the United States of the Aqua Skin Facial Table Top  
2 product shown in Exhibit B. Defendant denies any wrongdoing or infringement,  
3 but is stipulating to the relief demanded herein to resolve this case without  
4 admission of liability.

5 13. That, in this action, Plaintiffs have alleged that Defendant infringes  
6 the '089 Patent through the manufacture, use, sale, offer for sale, and/or  
7 importation into the United States of the Spiral Tips shown in Exhibit C.  
8 Defendant denies any wrongdoing or infringement, but is stipulating to the relief  
9 demanded herein to resolve this case without admission of liability.

10 14. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
11 the '591 Patent, Defendant, together with its officers, directors, agents, servants,  
12 employees and affiliates thereof, representatives and attorneys, and all other  
13 persons acting or attempting to act in concert or participation with them, are  
14 permanently enjoined and restrained from making, using, selling, offering to sell,  
15 or importing into the United States each of: the Aqua Skin Facial product shown  
16 in Exhibit A, which Plaintiffs have alleged in this action infringes at least one  
17 claim of the '591 Patent; the Aqua Skin Facial Table Top product shown in  
18 Exhibit B, which Plaintiffs have alleged in this action infringes at least one claim  
19 of the '591 Patent; any product that is no more than colorably different than the  
20 Aqua Skin Facial product shown in Exhibit A; and, any product that is no more  
21 than colorably different than the Aqua Skin Facial Table Top product shown in  
22 Exhibit B.

23 15. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
24 the '120 Patent, Defendant, together with its officers, directors, agents, servants,  
25 employees and affiliates thereof, representatives and attorneys, and all other  
26 persons acting or attempting to act in concert or participation with them, are  
27 permanently enjoined and restrained from making, using, selling, offering to sell,  
28 or importing into the United States each of: the Aqua Skin Facial product shown

1 in Exhibit A, which Plaintiffs have alleged in this action infringes at least one  
2 claim of the '120 Patent; the Aqua Skin Facial Table Top product shown in  
3 Exhibit B, which Plaintiffs have alleged in this action infringes at least one claim  
4 of the '120 Patent; any product that is no more than colorably different than the  
5 Aqua Skin Facial product shown in Exhibit A; and, any product that is no more  
6 than colorably different than the Aqua Skin Facial Table Top product shown in  
7 Exhibit B.

8 16. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
9 the '886 Patent, Defendant, together with its officers, directors, agents, servants,  
10 employees and affiliates thereof, representatives and attorneys, and all other  
11 persons acting or attempting to act in concert or participation with them, are  
12 permanently enjoined and restrained from making, using, selling, offering to sell,  
13 or importing into the United States each of: the Aqua Skin Facial product shown  
14 in Exhibit A, which Plaintiffs have alleged in this action infringes at least one  
15 claim of the '886 Patent; the Aqua Skin Facial Table Top product shown in  
16 Exhibit B, which Plaintiffs have alleged in the action infringes at least one claim  
17 of the '886 Patent; any product that is no more than colorably different than the  
18 Aqua Skin Facial product shown in Exhibit A; and, any product that is no more  
19 than colorably different than the Aqua Skin Facial Table Top product shown in  
20 Exhibit B.

21 17. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
22 the '716 Patent, Defendant, together with its officers, directors, agents, servants,  
23 employees and affiliates thereof, representatives and attorneys, and all other  
24 persons acting or attempting to act in concert or participation with them, are  
25 permanently enjoined and restrained from making, using, selling, offering to sell,  
26 or importing into the United States each of: the Aqua Skin Facial product shown  
27 in Exhibit A, which Plaintiffs have alleged in this action infringes at least one  
28 claim of the '716 Patent; the Aqua Skin Facial Table Top product shown in

1 Exhibit B, which Plaintiffs have alleged in this action infringes at least one claim  
2 of the '716 Patent; any product that is no more than colorably different than the  
3 Aqua Skin Facial product shown in Exhibit A; and, any product that is no more  
4 than colorably different than the Aqua Skin Facial Table Top product shown in  
5 Exhibit B.

6 18. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
7 the '513 Patent, Defendant, together with its officers, directors, agents, servants,  
8 employees and affiliates thereof, representatives and attorneys, and all other  
9 persons acting or attempting to act in concert or participation with them, are  
10 permanently enjoined and restrained from making, using, selling, offering to sell,  
11 or importing into the United States each of: the Aqua Skin Facial product shown  
12 in Exhibit A, which Plaintiffs have alleged in this action infringes at least one  
13 claim of the '513 Patent; the Aqua Skin Facial Table Top product shown in  
14 Exhibit B, which Plaintiffs have alleged in this action infringes at least one claim  
15 of the '513 Patent; any product that is no more than colorably different than the  
16 Aqua Skin Facial product shown in Exhibit A; and, any product that is no more  
17 than colorably different than the Aqua Skin Facial Table Top product shown in  
18 Exhibit B.

19 19. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
20 the '464 Patent, Defendant, together with its officers, directors, agents, servants,  
21 employees and affiliates thereof, representatives and attorneys, and all other  
22 persons acting or attempting to act in concert or participation with them, are  
23 permanently enjoined and restrained from making, using, selling, offering to sell,  
24 or importing into the United States each of: the Aqua Skin Facial product shown  
25 in Exhibit A, which Plaintiffs have alleged in this action infringes at least one  
26 claim of the '464 Patent; the Aqua Skin Facial Table Top product shown in  
27 Exhibit B, which Plaintiffs have alleged in this action infringes at least one claim  
28 of the '464 Patent; any product that is no more than colorably different than the

1 Aqua Skin Facial product shown in Exhibit A; and, any product that is no more  
2 than colorably different than the Aqua Skin Facial Table Top product shown in  
3 Exhibit B.

4 20. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
5 the '052 Patent, Defendant, together with its officers, directors, agents, servants,  
6 employees and affiliates thereof, representatives and attorneys, and all other  
7 persons acting or attempting to act in concert or participation with them, are  
8 permanently enjoined and restrained from making, using, selling, offering to sell,  
9 or importing into the United States the Aqua Skin Facial product shown in Exhibit  
10 A, which Plaintiffs have alleged in this action infringes at least one claim of the  
11 '052 Patent, or any product that is no more than colorably different than the Aqua  
12 Skin Facial product shown in Exhibit A.

13 21. That, pursuant to the Patent Act, 35 U.S.C. § 283, during the life of  
14 the '089 Patent, Defendant, together with its officers, directors, agents, servants,  
15 employees and affiliates thereof, representatives and attorneys, and all other  
16 persons acting or attempting to act in concert or participation with them, are  
17 permanently enjoined and restrained from making, using, selling, offering to sell,  
18 or importing into the United States the Spiral Tips shown in Exhibit C, which  
19 Plaintiffs have alleged in this action infringes at least one claim of the '089 Patent,  
20 or any product that is no more than colorably different than the Spiral Tips shown  
21 in Exhibit C.

22 22. For purposes of interpretation of paragraphs 14 through 21, the  
23 definition of the phrase "no more than colorably different than" will be governed  
24 by the decision of the United States Court of Appeals for the Federal Circuit in  
25 *TiVo Inc. v. EchoStar Corp.*, 646 F.3d 869 (Fed. Cir. 2011).

26 23. That Final Judgment be entered consistent with the foregoing terms,  
27 and including the dismissal with prejudice by the Court of those claims identified  
28 in the Court's Minute Order dated June 15, 2018 (Doc. No. 59).

24. Defendant shall have a thirty (30) day grace period from entry of this Consent Judgment within which to bring itself into compliance before the injunctions herein shall take effect.

25. That Defendant has not paid any compensation for the infringing acts described herein and shall not be required to pay any such compensation.

26. That no other or further relief, monetary or otherwise, be granted to Plaintiffs or Defendant with respect to each other.

27. Nothing contained in this Consent Judgment and Permanent Injunction shall affect the rights of Defendant, together with its officers, directors, agents, servants, employees and affiliates thereof, representatives and attorneys, and all other persons acting or attempting to act in concert or participation with them, to make, use, sell, offer to sell or import any of the products outside the United States, to the extent that all such acts are conducted entirely outside the United States.

28. That Defendant affirmatively waives any and all rights to appeal this Final Consent Judgment and Permanent Injunction.

29. That this Court retain jurisdiction over this matter to enforce compliance with the Permanent Injunction.

30. That each party will bear its own costs and attorneys' fees for this action.

*SIGNATURE PAGE FOLLOWS*



**IT IS SO STIPULATED AND AGREED**

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 8, 2019

By: 

Paul A. Stewart  
Ali S. Razai

Attorneys for Plaintiffs EDGE SYSTEMS LLC  
and AXIA MEDSCIENCES, LLC

PLAGER SCHACK LLP

Dated: April 8, 2019

By: 

Mark Plager  
Michael Schack  
Michael O'Brien

Attorneys for Defendant  
AESTHETIC SKIN SYSTEMS LLC

**IT IS SO ORDERED AND DECREED, AND FINAL JUDGMENT IS  
HEREBY ENTERED**

Dated: 4/10/19

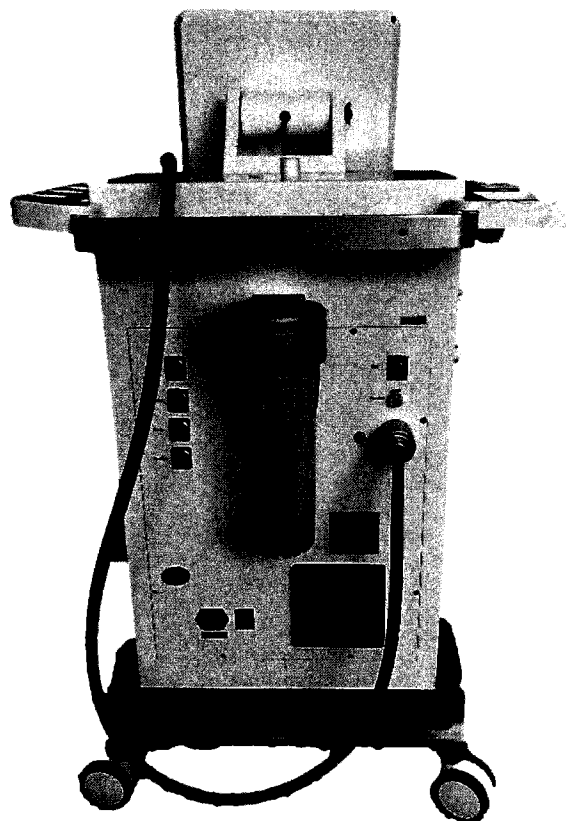
  
Honorable Philip S. Gutierrez  
United States District Judge

29748881

**EXHIBIT A**  
**AQUA SKIN FACIAL**



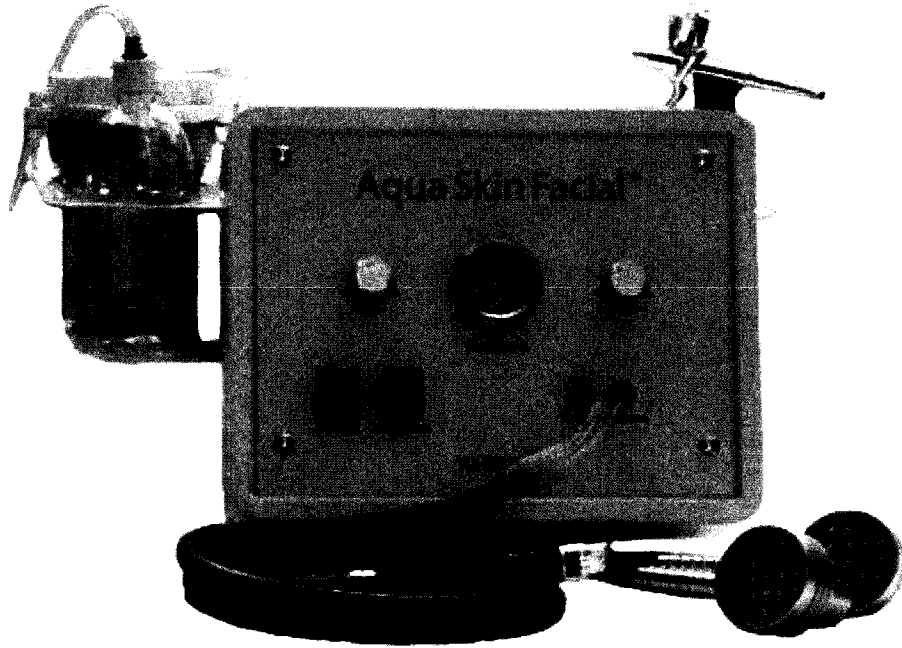
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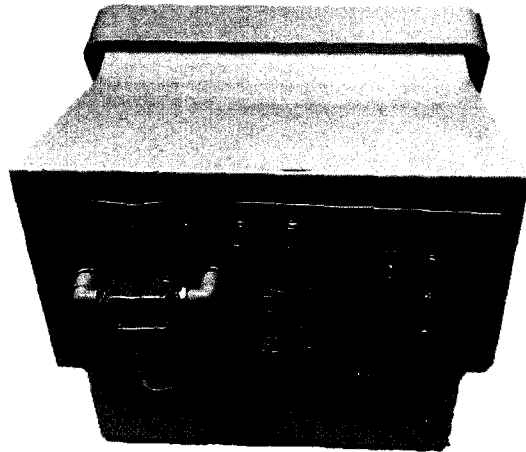
*BACK*

**EXHIBIT B**

**AQUA SKIN FACIAL TABLE TOP**



*FRONT OF SYSTEM*



*BACK OF CONSOLE*

**EXHIBIT C**  
**SPIRAL TIPS**

